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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA, )  
10 Plaintiff, )  
11 v. ) 2:09-CV-1697-RLH (LRL)  
12 \$22,038.49 IN UNITED STATES CURRENCY; )  
\$5,664.61 IN UNITED STATES CURRENCY; )  
13 and \$2,078.12 IN UNITED STATES )  
CURRENCY. )  
14 Defendants. )  
15

16 **UNITED STATES' UNOPPOSED MOTION TO**  
**CONTINUE THE DATE TO FILE ITS COMPLAINT FOR**  
**FORFEITURE IN REM IN THE ABOVE-CAPTIONED MATTER**  
17 **(Sixth Request)**

18 The United States of America (“United States”), by and through Daniel G. Bogden, United  
19 States Attorney for the District of Nevada and Michael A. Humphreys, Assistant United States  
20 Attorney, respectfully moves this Court to grant an extension of time, until and including May 5,  
21 2011, to allow the United States to file its forfeiture complaint against the following allotments of  
22 seized cash:

- 23 - \$22,038.49 in United States Currency;  
24 - \$5,664.61 in United States Currency; and  
25 - \$2,078.12 in United States Currency.

26 . . .

1       The Government's Complaint is currently due January 5, 2011. Claimant, Theo Spyer,  
2 through his counsel, Lawrence J. Semenza, consents to this motion. Theo Spyer and numerous of  
3 his associates have been the focus of a historical state/federal criminal investigation into their  
4 activities of alleged unlawful gaming activities in Nevada and elsewhere. Generally speaking, the  
5 Government has developed information that Spyer and others were operating an illegal book-making  
6 operation from approximately December 2008 through approximately April 2009, all in violation  
7 of 18 U.S.C. § 1084 and other federal anti-gambling statutes. A principal situs of that illegal  
8 operation was Las Vegas, Nevada.

9           Spyer is recently aware of that investigation, and, with his counsel, has been engaged in plea  
10 negotiations with the Government in an endeavor to complete a universal disposition. Those  
11 negotiations continue. In the meantime, the Government has a deadline, under the strictures of 18  
12 U.S.C. § 983 (a)(3)(A), to file its forfeiture complaint, regarding the above-captioned allotments of  
13 currency, no later than January 5, 2011.

14           The afore-referenced plea negotiations will not be complete by the time the Government is  
15 required to file its complaint.

16           The Government, herewith, petitions this Court to extend the time for the Government to file  
17 its civil complaint in the above-captioned matter, to facilitate a possible, if not likely, universal plea  
18 disposition.

19           Under 18 U.S.C. § 983(a)(3)(A), which states:

20           [T]he Government shall file a complaint for forfeiture in the manner  
21 set forth in the Supplemental Rules for Certain Admiralty and  
22 Maritime Claims . . . , a court in the district in which a complaint will  
be filed may extend the period for filing a complaint for good cause  
shown or *upon agreement of the parties*. (emphasis added)

23           A district court has the authority under § 983(a)(3)(A) to extend the period for filing a Civil  
24 Complaint For Forfeiture In Rem.

25           On January 4, 2011, Spyer's counsel, Lawrence Semenza, agreed to the extension of time  
26 and authorized counsel for the United States to file this unopposed motion with this Court. Because

1 the parties have agreed that the Government should be allowed an extension of time to file its *In  
2 Rem* Complaint, the Government respectfully ask this Court to grant its motion.

3 This motion is not submitted solely for the purpose of delay or for any other improper  
4 purpose.

5 WHEREFORE, pursuant to 18 U.S.C. § 983(a)(3)(A), the United States moves this Court  
6 to grant it's motion to extend the time for the United States to file it's civil complaint in the above-  
7 captioned matter for an additional 120 days, or until May 5, 2011.

8 DATED this 4<sup>th</sup> day of January, 2011.

9 Respectfully submitted,

10 DANIEL G. BOGDEN  
United States Attorney

11 /s/Michael A. Humphreys  
12 MICHAEL A. HUMPHREYS  
13 Assistant United States Attorney

14  
15 IT IS SO ORDERED:

16  
17   
18  
19 UNITED STATES MAGISTRATE JUDGE  
20 1-14-11  
21 DATED: \_\_\_\_\_

## **PROOF OF SERVICE**

I, Alexandra M. McWhorter, certify that the following individuals were served with copies of the **UNITED STATES' UNOPPOSED MOTION TO CONTINUE THE DATE TO FILE ITS COMPLAINT FOR FORFEITURE IN REM IN THE ABOVE-CAPTIONED MATTER** (**Sixth Request**) on September 2, 2010 by the below identified method of service:

**U.S. Mail**

Lawrence J. Semenza  
3025 E. Post. St.  
Las Vegas, Nv 89120

/s/AlexandraMMcWhorter  
ALEXANDRA M. MCWHORTER  
Forfeiture Support Associate Paralegal